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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,731	03/23/2004	Franklin Anthony Holub	003C.0030.U1(US)	2541
29683	7590	03/28/2005	EXAMINER	
HARRINGTON & SMITH, LLP			LEON, EDWIN A	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	
			2833	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,731

Applicant(s)

HOLUB, FRANKLIN ANTHONY

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10, 12-14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 11, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/17/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 13 are objected to because of the following informalities: On Claim 1, Line 10, it should be ~~rearward~~—and on Claim 13, Line 4, it should be ~~the second~~—. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8, 10, 12-14 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Minnis (U.S. Patent No. 5,145,356). With regard to Claim 1, Minnis discloses an electrical connector comprising: electrical contacts (64); and a first (32) housing member having contact receiving areas (Fig. 7), wherein the electrical contacts (64) are located in the contact receiving areas (Fig. 7); and a second (30) housing member connected to the first (32) housing member, wherein the first (32) housing member comprises a mating electrical connector latch (116) comprising a latch surface

(122) at a front end of the latch (116) and a lever arm (120) extending rearward from the front end of the latch (116). See Figs. 1, 7-10.

The limitation "adapted to pivot on top of a portion of the second housing member" has been given little patentable weight since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

With regard to Claim 2, Minnis discloses the first (32) housing member comprising a first deflectable arm (124) connecting the latch to the first (32) housing member, wherein the first deflectable arm (124) is connected to the latch (116) at the front end of the latch (116). See Figs. 1, 7-10.

With regard to Claim 3, Minnis discloses the first (32) housing member comprising a second deflectable arm (124) connecting the latch (116) to the first (32) housing member, wherein the a second deflectable arm (124) is connected to the latch (116) at the front end of the latch (116). See Figs. 1, 7-10.

With regard to Claim 4, Minnis discloses the first and second deflectable arms (124) being connected to the first (32) housing member proximate a center section of the latch (116). See Figs. 1, 7-10.

With regard to Claim 8, Minnis discloses an electrical conductor seal (68), wherein the second (30) housing member comprises a seal retainer (30), which is connected to the first (32) housing member to retain the seal (68) with the first (32) housing member. See Figs. 1, 7-10.

With regard to Claim 10, Minnis discloses an electrical connector housing comprising: a first (32) housing member comprising a movable mating electrical connector latch (116), the latch (116) having a first end with a latching surface and an opposite second end; and a second (30) housing member connected to the first (32) housing member, the second (30) housing member comprising a latch overstress protection section (60, 54) comprising a portion (60, 54) of the second (30) housing member. See Figs. 1, 7-10.

The limitation "adapted to be contacted by the second end of the latch to limit movement of the second end of the latch in an outward direction" has been given little patentable weight since it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

With regard to Claim 12, Minnis discloses the first (32) housing member comprising a first deflectable arm (124) connecting the latch (116) to the first (32) housing member, wherein the first deflectable arm (124) is connected to the latch (116) at the first end of the latch (116). See Figs. 1, 7-10.

With regard to Claim 13, Minnis discloses the first (32) housing member comprising a second deflectable arm (124) connecting the latch (116) to the first (32) housing member, wherein a second deflectable arm (124) is connected to the latch (116) at the first end of the latch (116). See Figs. 1, 7-10.

With regard to Claim 14, Minnis discloses the first and second deflectable arms (124) being connected to the first (32) housing member proximate a center section of the latch (116). See Figs. 1, 7-10.

With regard to Claim 16, Minnis discloses the second end of the latch (116) comprises a projection (60, 54) located beneath the latch overstress protection section (60, 54) of the second (30) housing member. See Figs. 1, 7-10.

With regard to Claim 17, Minnis discloses an electrical conductor seal (68), wherein the second (30) housing member comprises a seal retainer (30), which is connected to the first (32) housing member to retain the seal (68) with the first (32) housing member. See Figs. 1, 7-10.

Allowable Subject Matter

4. Claims 19-20 are allowed.
5. Claims 5-7, 9, 11, 15, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination, the portion of the second housing member comprises a fulcrum rib contacting a bottom side of the lever between the front (first) end and the rear end, a rear end of the latch comprises a projection located beneath a ledge of the second housing member, the second housing member comprises a grip rib behind a rear (second) end of the latch

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which has a top surface that is located vertically above the rear end of the latch only when the rear end of the latch is depressed inward, the second housing member comprises a pivot rib, wherein the latch is located on top of the pivot rib and is adapted to pivot on the pivot rib to move the latching surface inward and outward and in combination with the rest of the limitations of the base and intermediate claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pederson et al. (U.S. Patent No. 6,406,319), Higgins, Jr. et al. (U.S. Patent No. 5,628,648), Okayasu (U.S. Patent No. 6,419,515), Schroeder (U.S. Patent No. 4,708,413) and Marpoe, Jr. et al. (U.S. Patent No. 6,514,098) disclose connectors having latches, arms and mating connectors.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday--Friday 10:00-6:30.

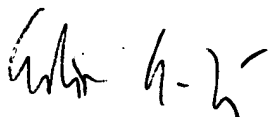
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Paumen
Primary Examiner



Edwin A. Leon
AU 2833

EAL
March 18, 2005